

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at CHATTANOOGA

JAMES JEFFREY JONES,)	
)	
Plaintiff,)	
)	
v.)	No. 1:05-CV-259
)	
HARTFORD LIFE GROUP INSURANCE)	Judge Curtis L. Collier
COMPANY,)	
)	
Defendant.)	

ORDER

Before the Court is a motion to continue oral argument currently scheduled for August 9, 2006 (Court File No. 24).¹ On December 22, 2005, the Court entered a scheduling order setting the deadlines in this case (Court File No. 12). Pursuant to the Court's order, Plaintiff was required to file a brief stating the grounds on which benefits or other relief was claimed within ninety days after Defendant filed its notice of service of the ERISA record and oral argument was set for June 14, 2006 (*Id.* at ¶¶ 5, 8). Plaintiff, without objection from defense counsel, requested an extension of time to file his brief because "the defendant and the plaintiff are discussing settlement possibilities" (Court File No. 14). To accommodate the parties, the Court granted the motion and gave Plaintiff until May 19, 2006 to file the brief (Court File No. 15).

Instead of filing the brief on May 19, 2006, Plaintiff again requested additional time because

¹ The motion is titled a "Joint Motion to Continue" (Court File No. 24). However, counsel for Defendant did not sign the motion. It appears the motion is in reality Plaintiff's motion which was filed without objection.

“plaintiff and defendant are actively engaged in settlement negotiations (sic)” (Court File No. 16). The Court again granted Plaintiff’s request (Court File No. 17). The same day the Court granted Plaintiff’s second request for more time to file a brief, the parties filed a joint motion asking the Court to move oral argument from June 14, 2006 to August 9, 2006 (Court File No. 19). The Court granted the parties’ motion and set oral argument on August 9, 2006 (Court File No. 20).

On August 7, 2006, two days before oral argument, Plaintiff requests the Court continue oral argument for ten days because “[t]he parties have been diligently working on settlement, and continue negotiating the claim” (Court File No. 24). While the Court encourages settlement discussions, it will not grant another continuance in this matter. The Court has already extended multiple deadlines to aid the parties in their settlement discussions. The Court’s generosity has not resulted in a settlement of Plaintiff’s claims. Further delay, the Court believes, would not be beneficial. Accordingly, Plaintiff’s motion to continue oral argument is **DENIED** (Court File No. 24).

SO ORDERED.

ENTER:

/s/
CURTIS L. COLLIER
CHIEF UNITED STATES DISTRICT JUDGE